

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jenzo Duque	Team: Squad #8	CCRB Case #: 201810335	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Abuse	<input type="checkbox"/> Discourt. <input type="checkbox"/> O.L.	<input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 12/01/2018 1:45 PM	Location of Incident: Opposite 565 East 178th Street	Precinct: 48	18 Mo. SOL 6/1/2020	EO SOL 1/16/2021	
Date/Time CV Reported Sat, 12/01/2018 2:26 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 12/12/2018 11:15 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Edward Lenis	04355	922639	NARCBBX
2. DT3 Luis Maldonado	1341	950810	NARCBBX

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Luis Maldonado	Force: Detective Luis Maldonado used physical force against § 87(2)(b) Mattias.	
B.SGT Edward Lenis	Force: Sergeant Edward Lenis used physical force against § 87(2)(b) [REDACTED]	

Case Summary

Sergeant Brian Query of the Bronx Narcotics Squad filed this complaint with IAB, under IAB Log #2018-47903 and on behalf of § 87(2)(b) on December 1, 2018. IAB referred the complaint to the CCRB on December 12, 2018.

On December 1, 2018, at approximately 1:45 p.m., opposite 565 East 178th Street in the Bronx, Detective Luis Maldonado of the Bronx Narcotics Squad pulled § 87(2)(b) onto the ground after chasing him for § 87(2)(b) (**Allegation A: Force – § 87(2)(g)**). While Det. Maldonado and § 87(2)(b) were on the ground, Sergeant Edward Lenis of the Bronx Narcotics Squad grabbed § 87(2)(b)'s legs and restrained them (**Allegation B: Force – § 87(2)(g)**).

§ 87(2)(b) was arrested as a result of this incident, and charged with § 87(2)(b).
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b).

There was one surveillance video available for this incident and it is 04:20 long (Board Review 01).

Allegation (A): Force: Detective Luis Maldonado used physical force against § 87(2)(b)

Allegation (B): Force: Sergeant Edward Lenis used physical force against § 87(2)(b)

It is undisputed that Det. Maldonado and Sgt. Lenis used physical force against § 87(2)(b).
§ 87(2)(b)

§ 87(2)(b) could not be reached to provide statements regarding this incident. Given that the circumstances of § 87(2)(b)'s arrest are documented in his Arrest Report (Board Review 02), the Undercover Buy Report (Board Review 03), and Threat Resistance and Injury reports (Board Review 04) (Board Review 05), the circumstances of § 87(2)(b)'s arrest are undisputed.

In Det. Maldonado's statement to the CCRB (Board Review 06), at approximately 11:00 a.m., at the 47th Precinct stationhouse, Det. Maldonado attended a tactical meeting regarding an undercover narcotics transaction. § 87(2)(e), § 87(2)(f)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Det. Maldonado then drove towards the incident location, where he observed several civilians, but only one individual, § 87(2)(b) who matched the undercover officer's description. Another vehicle from the field team arrived at the location just before Det. Maldonado's vehicle, and the two rapidly approaching vehicles alerted § 87(2)(b) as he began to run away from the location. Both Det. Maldonado and Sgt. Lenis exited their vehicle and began chasing § 87(2)(b). Lt. Reyes remained inside the officers' vehicle. Det. Maldonado and Sgt. Lenis chased § 87(2)(b) down East Tremont Avenue until LaFontaine Avenue, where § 87(2)(b) made a turn onto East 178th Street. Det. Maldonado, who was closer to § 87(2)(b) caught up to him and grabbed him. Det. Maldonado then pulled § 87(2)(b) down to the ground in an intentional

takedown. Both Det. Maldonado and § 87(2)(b) fell to the ground, “face first”, as a result of Det. Maldonado’s physical contact.

Once on the ground, Det. Maldonado grabbed § 87(2)(b)’s arms, pulled them behind his back, and placed him in handcuffs. § 87(2)(b) pulled his hands away from Det. Maldonado and struggled against him while on the ground. § 87(2)(b) kicked his legs, flailed his body, and attempted to evade Det. Maldonado’s grasp. Only Det. Maldonado handcuffed § 87(2)(b). Det. Maldonado did not recall if other officers were involved in § 87(2)(b)’s physical apprehension. Det. Maldonado estimated handcuffing § 87(2)(b) lasted approximately 30 seconds.

Officers lifted § 87(2)(b) off the ground and Det. Maldonado observed that he had a laceration to his face. Det. Maldonado did not know how § 87(2)(b) sustained the laceration, but assumed it was a result of he and § 87(2)(b) falling to the ground, as the injury seemed consistent with such. Det. Maldonado did not observe any other injuries to § 87(2)(b)’s person. § 87(2)(b) did not complain of any other injuries to Det. Maldonado or request medical attention of Det. Maldonado. Det. Maldonado then requested medical attention for § 87(2)(b). Officers placed § 87(2)(b) inside the prisoner van and transported him to the 47th Precinct stationhouse, where an ambulance was waiting to take him to the hospital. Det. Maldonado acknowledged using force against § 87(2)(b), stating he did so because § 87(2)(b) was running from the officers. Det. Maldonado did not recall if any other officers used physical force against § 87(2)(b).

Sgt. Lenis provided a generally consistent statement with Det. Maldonado (Board Review 07). When the officers arrived at the transaction location, § 87(2)(b) looked at Sgt. Lenis and began running. Det. Maldonado was closer to § 87(2)(b) than Sgt. Lenis throughout the duration of the chase. Det. Maldonado and § 87(2)(b) rounded the corner of East 178th Street, and Sgt. Lenis did not know what transpired between them at that point in time. As Sgt. Lenis turned the corner, he observed that Det. Maldonado and § 87(2)(b) were on the ground. Sgt. Lenis did not see how Det. Maldonado and § 87(2)(b) landed on the ground. § 87(2)(b) kicked his legs at Det. Maldonado while both were on the ground. Sgt. Lenis did not recall what else § 87(2)(b) was doing with his body while on the ground. Sgt. Lenis did not recall what Det. Maldonado was doing while he and § 87(2)(b) were on the ground. § 87(2)(b) was already in handcuffs when Sgt. Lenis began engaging with him physically. § 87(2)(b) did not use any other force against the officers. Sgt. Lenis then restrained § 87(2)(b)’s legs.

Upon further questioning, Sgt. Lenis clarified that after turning the corner, more than one officer made physical contact with § 87(2)(b) while he was on the ground. Sgt. Lenis did not know how many officers made physical contact with § 87(2)(b) while he was on the ground. Sgt. Lenis could not approximate the number of officers upon request. Sgt. Lenis estimated less than a minute passed between when he restrained § 87(2)(b)’s legs and when § 87(2)(b) had been fully apprehended by the officers. Sgt. Lenis denied using physical force against § 87(2)(b) beyond restraining his legs. Sgt. Lenis denied witnessing Det. Maldonado use physical force against § 87(2)(b).

In the building surveillance video footage (Board Review 08), Det. Maldonado and § 87(2)(b) enter from the left frame. § 87(2)(b) runs past a parked SUV and Det. Maldonado grabs him. Det. Maldonado pulls § 87(2)(b) towards the ground, and both fall onto the ground. An unmarked Mini-Van arrives at the location at the same time as Sgt. Lenis, who runs behind the Mini-Van to where Det. Maldonado and § 87(2)(b) have fallen. The unmarked Mini-Van obscures what transpires while § 87(2)(b) is on the ground.

Det. Maldonado's Threat Resistance and Injury Report (Board Review 05) notes that Det. Maldonado used force against § 87(2)(b) that § 87(2)(b) was injured, and that § 87(2)(b) used force against Det. Maldonado. The report further notes that Det. Maldonado used a forcible takedown against § 87(2)(b) to overcome resistance and aggression, and that § 87(2)(b) sustained a laceration requiring sutures as a result of both unintentional action by Det. Maldonado and unintentional self-infliction.

Sgt. Lenis's Threat Resistance and Injury Report (Board Review 04) notes that Sgt. Lenis used force against § 87(2)(b) that § 87(2)(b) was injured, and that § 87(2)(b) used force against Sgt. Lenis. The report further notes that Sgt. Lenis used other force against § 87(2)(b) specifically holding § 87(2)(b)'s legs to prevent kicking and to overcome resistance and aggression. The report also notes that § 87(2)(b) sustained a left orbital fracture as a result of falling while fleeing arrest.

Patrol Guide Procedure 221-01 regarding Force Guidelines (Board Review 09), states, "Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances."

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 10).
- Det. Luis Maldonado has been a member of service for seven years and has been a subject in four complaints and four allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Edward Lenis has been a member of service for 20 years and has been a subject in four complaints and four allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of February 14, 2019, the New York City Office of the Comptroller's has no record of a notice of claim in regards to this complaint (Board Review 11).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b) § 86(1)(3)&(4) § 87(2)(c)

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date